

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GRACE ALBANESE,

Plaintiff,

vs.

FEDERAL BUREAU OF INVESTIGATIONS,

Defendant.

Case No. 2:17-cv-01871-JAD-VCF

REPORT AND RECOMMENDATION

GRACE ALBANESE,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Defendant.

Case No. 2:17-cv-01872-RFB-VCF

REPORT AND RECOMMENDATION

GRACE ALBANESE,

Plaintiff,

vs.

HOMELAND SECURITY,

Defendant.

Case No. 2:17-cv-01874-RFB-VCF

REPORT AND RECOMMENDATION

GRACE ALBANESE,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Defendant.

Case No. 2:17-cv-01896-JCM-VCF

REPORT AND RECOMMENDATION

On June 29, 2017, the Court issued a Report and Recommendation recommending that Plaintiff Grace Albanese be deemed a vexatious litigant and be prohibited from filing any document without first

1 obtaining leave from the Chief Judge in accordance with procedures outlined in the Report and
2 Recommendation. (2:17-cv-01599-JAD-VCF, ECF No. 5). On July 7 and 11, 2017, Plaintiff filed four
3 new applications to proceed *in forma pauperis*. (2:17-cv-01871-JAD-VCF, ECF No. 1; 2:17-cv-01872-
4 RFB-VCF, ECF No. 1; 2:17-cv-01874-RFB-VCF, ECF No. 1; 2:17-cv-01896-JCM-VCF, ECF No. 1).
5 The Court denied these applications without prejudice pending the outcome of the Report and
6 Recommendation. (2:17-cv-01871, ECF No. 3; 2:17-cv-01872, ECF No. 3; 2:17-cv-01874, ECF No. 3;
7 2:17-cv-01896, ECF No. 3). On July 27, 2017, the Court accepted the Report and Recommendation and
8 deemed Plaintiff to be a vexatious litigant. (2:17-cv-01599, ECF No. 7).

9 On January 7, 2019, the Court issued an Order stating that Plaintiff had until February 8, 2019 to
10 seek leave of the Chief Judge of this Court to file these cases as outlined in the Report and
11 Recommendation, and should no application for leave be filed, the Court would recommend that these
12 cases be dismissed with prejudice. (2:17-cv-01871, ECF No. 4; 2:17-cv-01872, ECF No. 6; 2:17-cv-
13 01874, ECF No. 4; 2:17-cv-01896, ECF No. 4). Plaintiff has not filed a proper application¹ in any of these
14 cases, or in any case now pending before the Court.
15

16 ACCORDINGLY, and for good cause shown,

17 IT IS RECOMMENDED that cases 2:17-cv-01871, 2:17-cv-01872, 2:17-cv-01874, and 2:17-cv-
18 01896 be dismissed with prejudice.

19 NOTICE

20 Under Local Rule IB 3-1, any objection to this Report and Recommendation must be in writing
21 and filed with the Clerk of the Court within 14 days. The Supreme Court has held that the courts of appeal
22 may determine that an appeal has been waived due to the failure to file objections within the specified
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25 ¹ Requests for leave of vexatious orders were filed in two cases (2:17-cv-01782-JCM-VCF, ECF No. 4; 2:17-cv-01872, ECF No. 4), but were denied for their deficiencies (2:17-cv-01782, ECF No. 5; 2:17-cv-01872, ECF No. 5).

1 time. *See Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
2 objections within the specified time and (2) failure to properly address and brief the objectionable issues
3 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
4 District Court. *See Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
5 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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7 IT IS SO RECOMMENDED.

8 DATED this 13th day of February, 2019.

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11 CAM FERENBACH
12 UNITED STATES MAGISTRATE JUDGE
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